



New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	II	Intake, Investigation and Response	
Chapter:	C	Initial Response	4-1-2014
Subchapter:	4	Law Enforcement	
Issuance:	100	Assistance to and from Law Enforcement	

Purpose:

This issuance establishes policies and procedures for DCF seeking assistance from, or providing assistance to, law enforcement authorities, including local and State police and the County Prosecutor's Office.

Authority:

- N.J.S.A. 9:6-8.11
- N.J.S.A. 9:6-8.28 and 8.29)
- N.J.S.A. 9:6-8.36
- N.J.A.C. 10:129-1 et seq.

Policy:

A) Police Assistance

DCF field Workers may request assistance from local and State police as prescribed in State law.

CPS investigations are made by CP&P with police assistance, if necessary, but are not delegated to the police.

The responding Worker may request appropriate assistance in conducting an investigation from local and State law enforcement officials whenever:

- The Worker needs personal protection;
- The nature of the case suggests the need for police intervention, for example, the death of a child;

- There is a life-threatening situation; or
- Violence is occurring at present.

B) Report Criminal Offense to the County Prosecutor

N.J.S.A. 9:6-8.36a requires CP&P to report to the County Prosecutor those cases of alleged abuse and/or neglect that involve suspected criminal activity on the part of a child's parent or caregiver.

C) Report Substantiated Incidents to Law Enforcement

The assigned CP&P Worker or IAIU Investigator shall notify the police whenever a child abuse or neglect incident is "Substantiated" involving a child who resides in their jurisdiction.

D) Refrain from Interviewing Perpetrators at Law Enforcement Request

A Worker may delay interviewing an alleged perpetrator at the request of law enforcement to facilitate the criminal investigation. The child's needs must take precedence over the conduct of a criminal investigation, however, when there is reason to believe that the child's welfare or safety will be jeopardized by the delay.

When there is certainty that a delay will not place a child at risk, CP&P and the County Prosecutor negotiate resolution of the issues within 24 hours as per the agreement between the Director of Criminal Justice and the Commissioner of the Department of Children and Families.

E) CP&P Role in Miranda Warnings to Juveniles

Under no circumstances does CP&P staff serve as a witness to Miranda Warnings unless explicitly directed by the DAG.

F) Agreement with Medical Examiner

CP&P entered into an agreement to enhance cooperation between CP&P field offices, the State Medical Examiner, and county Medical Examiners when the entities are investigating child abuse and neglect fatalities. CP&P staff adhere to the dictums of that formal agreement.

The agreement between CP&P and the State and county Medical Examiners mandates timely information sharing by all parties, both verbally and in writing, and is sensitive to CP&P's need to ensure the care and safety of siblings and other children who may be at risk, if left in the care of an offending parent or caregiver. CP&P Central Office, the State Central Registry, each Local Office,

and each Area Office have named liaisons to respective Medical Examiners to facilitate joint cooperation.

G) Assistance to Law Enforcement (in CWS Matters)

CP&P staff may provide child welfare services (CWS), as necessary and appropriate, if law enforcement (e.g., municipal police, State Police, the County Prosecutor) requests assistance from CP&P in emergency situations.

Such requests include, but are not limited to: family conflicts, custody disputes, and supervision of a child – an adolescent – when the child is in police custody and his or her parents cannot be found (example: adolescent arrested for shoplifting).

H) Compliance with DCF/Law Enforcement Model Coordinated Response Protocol

CP&P and IAIU comply with the tenets of the [DCF/Law Enforcement Model Coordinated Response Protocol](#).

Procedures

A) Procedure for Contacting the Police

The Worker, or the Supervisor acting on behalf of his or her Worker, contacts the local police to request assistance. Only where there is no municipal police department or when local police cannot be reached should the State police be contacted.

B) Report Criminal Offense to the County Prosecutor

SCR Screeners and Workers shall report every instance of alleged child abuse and neglect that involves certain suspected criminal offenses to the County Prosecutor in accordance with N.J.S.A. 9:6-8.28, N.J.S.A. 9:6-8.29, N.J.S.A. 9:6-8.36, and N.J.A.C. 10:129.

C) Police Assistance Refused

If the Worker, assisted by the Supervisor, is unable to secure police cooperation when needed immediately, contact the following staff for assistance: the Local Office Liaison to the police department; the Local Office Manager; the Area Director or his or her designee.

The problem may be referred to the County Prosecutor's Office for resolution.

D) CP&P Delays Interviewing Perpetrator at Law Enforcement Request

If law enforcement requests CP&P not interview a perpetrator, the Worker shall request to be present during the police/County Prosecutor interview. If denied access, the Worker requests that needed information be shared (e.g., request a copy of the alleged perpetrator's statements to law enforcement or a transcript of the contents of any videotaped interview). If law enforcement refuses to comply, CP&P contacts the Deputy Attorney General for assistance.

The Worker interviews the alleged perpetrator when permission is granted, under the conditions prescribed by law enforcement or as negotiated by CP&P and the County Prosecutor.

If law enforcement denies or delays access, the Worker documents such in a Contact Activity Note in NJ SPIRIT or in the Investigation Summary, DCF Form [2-1](#).

E) Interviewing the Perpetrator in a Custodial Setting

To avoid interfering with a criminal investigation, before conducting an independent interview, or being present during a police interrogation of a person who is being held in jail or taken into police custody, the Worker or Supervisor must first seek approval from the County Prosecutor's Office.

Document any directive given, and the reasoning for it, in the Investigation Summary, DCF Form [2-1](#), completed in NJS, or in a Contact Activity Note (printable as a Contact Sheet, CP&P Form [26-52](#)).

Once the approval of the Prosecutor is obtained, or conditions prescribed by the Prosecutor are met, the interview may take place.

If the interview is not held, based on the Prosecutor's instructions, the Worker seeks needed information from the police. The Worker documents all attempts to do so.

F) CP&P as a Witness to Miranda Warnings for a Juvenile

The following guidelines apply if the police request a CP&P Worker serve as witness to a Miranda warning for a juvenile (i.e., child under age 18) offender.

When a juvenile is arrested for criminal offenses and:

- The juvenile is not known to CP&P, then:
 - Police should contact the parents.

- If the parents cannot be located, and the police contact CP&P, CP&P should inform the police that CP&P has no authority to act on behalf of the child to secure legal representation.
- The juvenile is known to CP&P and CP&P has guardianship or legal custody, then:
 - The assigned Worker or Supervisor must contact the DAG and follow the DAG's advice/direction.
 - CP&P should never waive Miranda rights for a child.
 - The juvenile is in out-of-home placement (independent living or residential placement), authorized by a signed placement agreement, then:
 - If the parents cannot be contacted, CP&P contacts the DAG about the child's representation.
 - Facility staff should contact the parent or legal guardian.
 - (CP&P can provide the home address or contact number, or the Worker can initiate efforts to contact the parent directly.)
- The juvenile is receiving in-home services, then:
 - The police should contact the child's parent or legal guardian.
- The juvenile is from another state, then:
 - The police should contact the child's parents or legal guardian.
 - The police may contact CP&P for possible placement of the juvenile, only until the parents/guardian or child protection/welfare agency from the child's state of residence can be contacted.

G) Cooperation between CP&P and County Medical Examiners

CP&P and county Medical Examiners share information and documents by telephone or facsimile (fax machine) when both entities are investigating the death of a child.

When State Central Registry receives a call from a county Medical Examiner's Office, the SCR Screener provides information from CP&P electronic records to assist the Medical Examiner to assess the presenting situation, including:

- Whether the family is known to CP&P, and, if known, whether it is active, under investigation for another incident/reason, or closed at present;
- The nature of any prior CP&P involvement with the family, and whether that involvement was of a child protective or child welfare service nature; and
- Answers specific, case-related questions posed by the Medical Examiner, the greatest extent possible.

In accordance with the agreement, the county Medical Examiner advises CP&P whether an autopsy is being conducted, and whether preliminary information indicates the cause of the child's death may have been due to abuse or neglect. A CP&P Medical Consultant can request to attend the autopsy and/or discuss pertinent clinical information with the Medical Examiner.

If, upon investigating a report, CP&P is unable to obtain information from the county Medical Examiner, contact the State Medical Examiner for assistance.

The county Medical Examiner coordinates information sharing with the County Prosecutor when the child's death is the subject of a criminal investigation. Although the county Medical Examiner may share the results of an autopsy with CP&P, the written autopsy report may be withheld from CP&P when:

- The child death is the subject of a criminal investigation, and
- The County Prosecutor requests that the autopsy report not be shared with any party.

CP&P consults the DAG if an autopsy report is needed as evidence in a civil court proceeding brought by CP&P.

See [CP&P-II-C-4-150](#).

H) DCF/Law Enforcement Model Coordinated Response Protocol Procedures

CP&P and IAIU shall comply with the tenets of the DCF/Law Enforcement Model Coordinated Response Protocol to the greatest extent possible, including:

- Working with law enforcement, when a law enforcement authority contacts the Local Office or IAIU Regional Office directly to commence planning a joint response, in advance of their call to SCR to document the CPS report.
- Coordinating joint investigations with the police or County Prosecutor's Office; abiding by law enforcement timeframes for response, unless, by so doing, a child will be put at risk.

- If responding to assure a child's safety, see the child but postpone the interview with the child as to the allegations, until law enforcement assumes the lead in conducting its forensic interview.
- Abiding by law enforcement guidelines when investigating child sexual abuse allegations.

I) Reporting Substantiated Incidents to the Police

Within 10 days from the date the assigned Worker or IAIU Investigator makes a finding determination of "Substantiated," he or she forwards to the local or State police written information regarding the incident that shall include:

1. The name and age of each child victim and his or her address;
2. The name and age of each of the child victim's siblings, if any;
3. The name of each alleged and each confirmed perpetrator, his or her address, and his or her relationship to each child victim;
4. The name and address of the facility, if the incident occurred in a facility;
5. The date the State Central Registry created the report;
6. The date the assigned Worker or IAIU Investigator completed the investigation;
7. Whether the substantiated finding was child abuse, neglect, or a combination thereof;
8. A summary of the circumstances of the incident, including a description of the child's injuries, if any, and a statement about the severity of the incident;
9. A statement whether DCF reported the incident to the County Prosecutor; and
10. A statement whether CP&P or IAIU investigated a prior allegation of abuse or neglect regarding the alleged child victim.

Do not name, or in any other way identify, the reporter/referral source when reporting a substantiated incident to the police.

Make the report by completing and sending CP&P Form [9-32](#), Confidential Report of Substantiated Child Abuse/Neglect to Law Enforcement Agencies, under the cover letter, CP&P Form [9-33](#), Cover Letter to Law Enforcement - Substantiated Incidents of Child Abuse/Neglect. Complete the forms in NJ SPIRIT (NJS Desktop>Investigation Window>Results Tab>Options Drop-down). Send CP&P Form [9-32](#) and form [9-33](#) to each police department that is responsible for:

- The jurisdiction where the child victim resides; and, if different
- The jurisdiction in which the incident occurred; and, if different
- the jurisdiction in which the child victim may be at risk of future harm.

The police must keep the report information confidential pursuant to N.J.S.A.9:6-8.10a.1.e. The police are prohibited from sharing the information with anyone except as authorized under the provisions of N.J.S.A. 9:6-8.10a.

If the finding determination of "Substantiated" is later reversed, CP&P or IAIU notify the police, using DCF Form [9-83](#), Notice of Change of Child Abuse or Neglect Finding (CP&P/IAIU), which instructs that CP&P Form [9-32](#) and form [9-33](#) regarding the incident must be destroyed. See [CP&P-II-C-6-300](#), When a "Substantiated" Finding Is Reversed.

The Administrative Hearings Unit sends the DCF Form [9-84](#), Notice of Change of Child Abuse or Neglect (AHU), to the local or State police/law enforcement if the finding is changed by the Administrator of the Hearings Unit, after the issuance of a Final Agency Decision on an appealed finding. AHU staff also send the DCF Form [9-84](#) when an Administrative Review Officer, upon reviewing a CARL check, reverses a finding of "Substantiated," when "Substantiation" notification was previously sent.

Key Terms (Definitions):

Forms and Attachments:

Related Information:

None